



State of New Mexico

Michelle Lujan Grisham
Governor

May 21, 2019

The Honorable Representative James Townsend, et al.
490 Old Santa Fe Trail
Santa Fe, N.M., 87501

Dear Honorable Representative,

I am writing in response to your May 20 letter, in which you outlined your perception of a “lack of action” on the part of my administration with regard to assisting local communities along the southern border of our state. I’m happy to report to you my administration has been working diligently for months on these very issues in coordination with local governments as well as nonprofit organizations and am happier still to enumerate certain of these efforts as well as prospective action in the near-term that will further alleviate pressure in border communities.

I agree with your assertion that local communities need our assistance. Federal agencies are releasing hundreds of asylum-seeking migrants into New Mexico every day. These asylum seekers, to be clear, are in need of rest, water, food and, on occasion, minor medical check-ups. They have made arduous journeys from Central America, many of them fleeing starvation and violence. The overwhelming majority of these individuals and families simply pass through our state; asylum seekers generally remain in New Mexico for 24 to 72 hours before traveling to a sponsor family elsewhere in the U.S. It is our duty as a state, in the absence of a comprehensive shift in strategy and personnel deployment on the part of the federal government, to accommodate and facilitate the needs of both these asylum seekers and the local communities where they are being released.

I further agree with your assertion that the situation requires a methodical and coordinated response. State government has endeavored to create such an environment; the situation is aggravated by the dereliction of federal agencies. The state Department of Homeland Security and Emergency Management has maintained a consistent and vocal personnel presence in affected communities; indeed, the work this agency has conducted to date would seem to overlap with your request for that agency to lead a “crisis response team.” My Homeland Security agency has established incident command systems in both cities, developed comprehensive incident action plans, coordinated volunteer work with diligent nonprofit groups and provided overall logistical support, among other ancillary actions. Contributing to these efforts have been the state Department of Health, which has deployed a medical unit; the state Department of Corrections, which has assisted nonprofit shelters with laundry services; and New Mexico State Police, which has conducted additional patrols in southern jurisdictions in order to supplement local law enforcement; to specify only a few. Specific to your reference to the “emergency” declared by Otero County government in response to the federal government’s decision to abandon a checkpoint within that jurisdiction, I would note state police were assigned to assist there immediately and have generated hundreds of citations and several felony arrests, to highlight only a few items. My administration is firmly

committed to assisting local governments in any feasible way, shape or form whenever a genuine need is articulated. However, a deployment of state troops to man a federal checkpoint would be inappropriate and untenable. I urge you all to write to appropriate federal contacts when the perceived issue is one of federal authority and decision-making. Together, our message is stronger.

The circumstances of federal releases of asylum seekers into New Mexico communities, as you may or may not know, are fluid. The communication our state agencies and nonprofit organizations receive from federal agencies is not always linear, clear or premeditated. Your characterization of a recent state-facilitated bus trip to Denver as an “error” or a result of “inadequate planning” betrays an ignorance of the reality that planning is definitely problematic in light of scattershot communication from federal agencies and a roughly 1,800-agent personnel shortage within U.S. Customs and Border Patrol. That shortage, in particular, has raised my concern about the potential for lapses in border security as it pertains to drug- and human-trafficking efforts. I have expressed this concern to both the former and current secretary of the U.S. Department of Homeland Security and am traveling to Washington, D.C., this week to continue to push for a solution – in addition to full federal reimbursement of costs incurred by local communities. I welcome and encourage you lending your voices and support to my effort on this front.

This state has been and will continue to be responsive to needs as they arise and committed to creative problem-solving amidst the chaotic situation created by federal agency activities. I would like to note, for your benefit, that my administration has created a grant application process through which local government agencies will be reimbursed for expenses incurred in response to this situation. These grants, through funds appropriated by the state Legislature, are intended to help defray the costs incurred by local agencies. This is precisely the sort of targeted assistance I believe you, in your letter, articulate as needed. Nonprofit organizations in border communities and elsewhere have conducted precisely this sort of work, on a smaller scale, for decades; it’s my role, as governor, to create a structure in which those organizations are engaged and supported while I seek reimbursement and other appropriate assistance from the federal government.

As it pertains to your request for a deployment of the state National Guard, I would highlight the prohibitive cost of any such deployment as well as the general inapplicability of the tremendous skills and capacity of our National Guard troops to the present needs in affected border communities. The estimated cost of deploying one troop for one day’s work is roughly \$200 at a minimum. As such, a deployment of 100 troops for one day is projected at \$20,000 at a minimum. Such a deployment over one month is projected at \$600,000 at a minimum.

The prior state administration’s deployment of National Guard troops to the border to assist federal agencies is immaterial to the current situation. State National Guard troops, under Operation Guardian Support, were expressly prohibited from immigration enforcement work; the National Guard troops I have assigned to remain in the Bootheel as part of that original detail remain prohibited from conducting that sort of work. When I visited the border to evaluate the efficacy of the operation, one of several visits to the southern part of the state I have personally made, no one agency could provide a coherent rationale for the presence of our state troops. By every indication, they were assigned to the border to bolster the mere perception of a need for militarized support; however, they were precluded by the federal government from assisting with the actual requirements and needs of the situation on the ground.

Page 3

The Honorable Representative James Townsend

May 21, 2019

Costs aside, a military response to a humanitarian matter would be a misguided use of state resources at best and a cynical ploy to paper over genuine and entrenched humanitarian and logistical issues at worst. As you identify in your letter, shelter and transportation are of primary concern; as I have said repeatedly, a misapplication of available federal resources has exacerbated those concerns. State National Guard troops, while diligent and flexible, are not equipped or authorized to manage or assist with immigration enforcement efforts.

I am and will remain open to suggestions and guidance as to the state's response to the situation in certain of our border communities. I look forward to your assistance and support as the government of this state continues to seek out and establish solutions to the humanitarian crisis at our southern border.

Sincerely,

A handwritten signature in black ink that reads "Michelle Lujan Grisham". The signature is fluid and cursive, with the first name "Michelle" being the most prominent.

Michelle Lujan Grisham
Governor
State of New Mexico